THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.29 OF 2006

DATED:3.1.2006

Between:

Mohd. Chand Pasha

…Petitioner

And

Siddipet Municipality, Rep. by its

Commissioner, Siddipet, Medak Dist.

and another

…Respondents

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WRIT PETITION NO.29 OF 2006

ORDER:

The petitioner is resident of Siddipet. He allegedly owns a shop premises (mulgi) bearing No.6-3-17 (8-1-143), which he purchased from Sri Chinta Ranja Mouli, under registered sale deed dt.26.12.1976. He alleges that Siddipet Municipality has taken up road widening work and without taking any action under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act), the respondent Municipality started demolishing some mulgies near the petitioner's mulgi. Apprehending that his mulgi might be demolished, present Writ Petition is filed seeking appropriate directions.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Siddipet Municipality.

After obtaining instructions, learned Standing Counsel submits that there is no proposal at present to widen Subash Road in Siddipet Town and the Writ Petition is filed on mere apprehension. He further submits that the road in question is 40' width and petitioner has encroached upon the road upto 4' and necessary action will be taken under Section 192 of the A.P. Municipalities Act, 1965, for demolition of encroached portion. The same is recorded.

As the Writ Petition is filed on mere apprehension, observing that unless and until appropriate legal procedure is initiated for widening the road, the petitioner's property cannot be taken forcibly, the Writ Petition is dismissed.

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(V.V.S.RAO, J)

3.1.2006

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